

**MINUTE BOOK XXVI, PAGES 74-85**  
**TROUTMAN TOWN COUNCIL REGULAR MEETING MINUTES**  
**July 13, 2017**

The regular meeting of the Town of Troutman Town Council was held in the Troutman Town Hall, 400 North Eastway Drive, North Carolina on Thursday, July 13, 2017 at 7:00 p.m. with the Mayor Pro Tempore W. Paul Henkel presiding.

Council Members Present: W. Paul Henkel, Sally P. Williams, Judy Jablonski, James K. Troutman, Paul R. Bryant

Council Members Absent: Mayor Teross W. Young, Jr.

Staff Present: Justin E. Longino, Town Manager; Kimberly H. Davis, Town Clerk; Steven H. Shealy, Finance Director; Erika G. Martin, Planning Director; Matthew A. Selves, Police Chief; Adam K. Lippard, Public Works Manager; Emily M. Watson, Parks and Rec. Coordinator; Gary W. Thomas, Town Attorney

Press Present: Debbie Page, SVL Free News  
James Neal, Statesville Record & Landmark

**MAYOR PRO TEM HENKEL CALLED THE MEETING TO ORDER**

**ITEM 1. MAYOR PRO TEM HENKEL WELCOMED VISITORS AND GUESTS**

**ITEM 2. INVOCATION** – Delivered by Mr. Kalani Polite, Trustee-New Life Missionary Baptist Church, Troutman

**ITEM 3. PLEDGE OF ALLEGIANCE**

**ITEM 4. ADJUSTMENTS TO THE AGENDA**

None

**ITEM 5. APPROVAL OF AGENDA**

Upon motion by Council member Williams, seconded by Council member Jablonski, and unanimously carried, agenda for the regular meeting of July 13, 2017 was approved as presented.

**CONSENT AGENDA:** *Items on the Consent Agenda are considered to be routine by the Town Council and will be approved with one motion. There will be no separate discussion on these items unless the Mayor or a Council member so requests, in which event the item will be removed from the Consent Agenda and considered as the first item under New Business.*

**ITEM 6. APPROVAL OF AGENDA BRIEFING MINUTES OF JUNE 05, 2017**

**ITEM 7. APPROVAL OF REGULAR MEETING MINUTES OF JUNE 08, 2017**

**ITEM 8. APPROVAL OF CLOSED SESSION MINUTES OF JUNE 08, 2017**

**ITEM 9. APPROVAL OF LAKE NORMAN REGIONAL TRANSPORTATION COMMISSION (LNRTC) INTERLOCAL AGREEMENT**

**ITEM 10. APPROVAL OF RESOLUTION 12-17 TITLED: “RESOLUTION RECOGNIZING JOSEPH THOMAS VINCENT BLANEY AS AN EAGLE SCOUT AWARD RECIPIENT”**

**ITEM 11. APPROVAL OF AMENDMENTS TO PARKS AND RECREATION COMMITTEE’S RULES OF PROCEDURE**

Upon motion by Council member Bryant, seconded by Council member Williams, and unanimously carried, Consent Agenda was approved as presented.

(Copied in full, LNRTC Interlocal Agreement and amended Parks & Rec. Committee Rules of Procedure are attached to and made part of these minutes)

(Copied in full, LNRTC Interlocal Agreement, amended Parks & Rec. Committee Rules of Procedure, and Resolution 12-17 is filed on CD titled: "Town Council Supporting Documents" dated July 10<sup>th</sup>, and July 13<sup>th</sup>, 2017 in CD Book #1 titled: "Town Council Supporting Documents")

## **RECOGNITION AND PRESENTATION**

### **ITEM 12. RECOGNITION OF K9 POLICE OFFICER JAMIE BENGE FOR RECEIVING INTERMEDIATE LAW ENFORCEMENT CERTIFICATE, (*Matthew Selves, Police Chief*)**

Police Chief Matthew Selves recognized K9 Police Officer Jamie Bengé for satisfactory completion of his Intermediate Law Enforcement training requirements, presenting him with an Intermediate Law Enforcement Certificate signed June 14, 2017 by the North Carolina Department of Justice/Criminal Justice Standards Division. In explaining the steps in obtaining the intermediate certification, Chief Selves stated that an officer has to have at least 48 educational training points, and at least 4 years' experience. Officer Bengé has more than 48 educational training points and has over 5 years' experience. He has been with the Town of Troutman since October 2012. Chief Selves along with Town Council members congratulated Officer Bengé on his achievement, and expressed thanks and appreciation for his service to the Town.

## **STANDING REPORTS**

### **ITEM 13. ABC STORE QUARTELY REPORT, (*Layton Getsinger, ABC Board Chair*)**

In presenting the ABC Store quarterly report, ABC Board Chairman Layton Getsinger stated that the store has been very successful in its first year of business. He reported that the month of December 2016 was the best month in net sales at \$143,000, and so far June is the second best with net sales at \$110,100. From Dec. 2016 to June 30<sup>th</sup> the store had \$708,099 in sales averaging \$101,157 monthly. July is tracking to be over \$100,000. The Board projects \$1.2 million in sales the first year where projections were initially \$770,000 in sales for the first year. He stated that part of ongoing expenses is trying to grow inventory. The store started with \$92,000 in inventory. With the last order on July 5<sup>th</sup> the store had \$115,000 in inventory. The store's goal is to reach \$150,000 in inventory by November/December. Since opening, the store has averaged 702 inventory turns and currently have 25.5 days of inventory in the store with \$37,000 in working capital. For the first 6 months, several board members have filled in to offset labor cost, but are now using regular employees. The store has not had to use the established line of credit and does not foresee it having to be used going forward; the less debt owed, the sooner the store can begin putting money back into the Town's coffers/distributions. The store is approximately \$24,000 in positive cash flow. A forklift was purchased off Gov. Deals for unloading the trucks, but once it arrived at the store, it would not fit in the backdoor. He advised that the store now has a forklift for sale. Chairman Getsinger, also currently the ABC Board's Finance Officer stated that the store is undergoing their end of the year audit and once completed (middle October), he will forward a copy of the audit to Town Council. Chairman Getsinger recognized the store's General Manager Evelyn Waugh (whom was present) for being an off the charts Manager, and for the team she has assembled.

### **ITEM 14. TROUTMAN ESC PARK, (*John Larew, Parks and Recreation Committee Chair*)**

Parks and Recreation Committee Chairman, John Larew presented the following monthly park report:

- Sunshades were installed on the playground on June 14<sup>th</sup>. A third one is being considered to maximize coverage.
- Pavilion bathroom floors and concession floors were painted with a sealant to help with maintenance and keeping clean.

- Part in the park was held on June 2<sup>nd</sup>. The band “Night Moves” performed for an estimated 500-700 people in attendance. The kids’ inflatable waterslide was a hit, and the Town profited over \$700 in alcohol sales. Troutman Elementary School’s Drumline performed as well.
- The Annual Troutman ESC Park Golf Tournament Fundraiser is in the planning stage with Sally Williams as event organizer. Sponsors and prizes are needed.
- Pavilion rentals for June – 14
- Thanked the Public Works Department for moving the large dirt pile beside the pavilion.
- Shared concerns of the parks plants due to the heat. Town is watering twice a day. Butterfly bushes have been pruned.
- Party in the Park #2 will be held Friday, August 4<sup>th</sup>, 5:30pm. Committee and staff are in the process of organizing the event. The inflatable waterslide will return along with an inflatable slip-n-slide. Entertainment will be provided and food vendors will be present. He thanked the following event sponsors for their support: Royal Properties, Sovereign Investments, and Finley Chiropractic.
- National Night Out, sponsored by the Troutman Police Department will be held August 1<sup>st</sup> in the park.
- The park has been sprayed and traps put out in the pavilion for wasp and yellow jackets.
- The entrance gate post came loose and has been repaired.
- Soccer field rental June 27<sup>th</sup> -30<sup>th</sup>, received \$180 for the rental.
- New program implemented: “Troutman Walking Group” met the first time on June 26<sup>th</sup> with 15 participants. The group will meet every Monday at 6pm, and Wednesday at 9am and walk for one hour.
- Adopt-a-Street street signs have been designed and are ready for installation, and a replacement plaque for one of the park benches has been ordered and is also ready to be installed.

**ITEM 15. J. HOYT HAYES MEMORIAL TROUTMAN LIBRARY, (*Rebecca Lopez, Troutman Branch Manager*)**

Ms. Rebecca Lopez, Manager of the J. Hoyt Hayes Memorial Troutman Library presented the following monthly library report on current and upcoming programs and events:

- The current count for the Summer Reading Program is a total of 455 registered participants that is made up of 228 kids, 51 teens, and 127 adults.
- Down to Earth Aerials was held on Tuesday, July 11<sup>th</sup> at Troutman ESC Park with 107 attendees. The event was funded by the Town of Troutman grant. The program highlighted her career path and how to build a better world by doing what your good at.
- Claire the Story Teller will be at the library on Wednesday, July 19<sup>th</sup>, at 11:00am. The story is “Around the World” exploring various cultures and how they make the world a better world. The event is funded by the Town of Troutman grant.
- Last week of summer reading is the week of July 24<sup>th</sup>.
  - Kids Finale will be held on Wednesday, July 26<sup>th</sup> at 2pm at the library. Cold Blooded Encounters will bring reptiles such as snakes, lizards, etc. Also, funded by the Town of Troutman grant.
  - “After Party” will be held on Thursday, July 27<sup>th</sup>, at 2:00pm with an Ice Cream party; courtesy of Coldstone in Mooresville.
  - Teen Finale will be held on Friday, July 28<sup>th</sup>, from 6:30-10:30pm with a Teen Lock-In at Statesville Library

- Market Munchkins Program is a new program developed to integrate children in with the Farmers Market. The program will be held monthly on the last Tuesday of the month from 4-5pm with story time and a craft highlighting one of the vendors each month. Schedule is as follows:
  - July 25<sup>th</sup> - Bees and honey
  - August 29<sup>th</sup> - Animals
  - September 26<sup>th</sup> - Baked goods
  - October 24<sup>th</sup> - Handmade crafts

### **COMMENTS FROM VISITORS AND GUESTS**

*The Public is invited to address the Town Council with comments or concerns. The public comment period is limited to three (3) minutes per individual.*

Mayor Pro Tem Henkel recognized and welcomed City of Statesville's Mayor Pro Tem Michael Johnson to the Town's meeting.

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Mr. James McNiff, town citizen addressed the Council requesting an update regarding a question that he asked a year ago and never received an answer. The requested update, in regards to the half cent property tax increase that was instituted last year in order to replenish the town's General Reserve Fund included what progress has been made in filling that reserve and therefore being able to roll back the five cent increase.

Mayor Pro Tem Henkel directed the question to Finance Director Steve Shealy who responded that money was set aside in last year's budget to replenish the reserve fund. Some funds were used for different items during the year that needed to be addressed, but the total fund balance will remain around the same. He stated that the Town is just beginning their annual audit process and he should be able to provide more information once the process is complete. Mr. Shealy commented that the Town is making progress and has set aside a like amount in the new budget to continue to address it. With the steps the Town is taking, and the anticipated growth, it will take a couple of years; not a long term process.

Mr. McNiff questioned if Council would eventually decrease the tax rate to or below 50 cents or is the rate locked in. Mayor Pro Tem Henkel commented that in his respect, Council is not locked in to 52 cents. Hopefully with smart growth in residential, business and large industry, revenues will increase and the Town will provide the services needed without future tax increase or even possibly come back and offer something less. He stated that he would like the fund balance to be around \$700,000-\$800,000.

### **NEW BUSINESS**

#### **ITEM 16. HWY 21/115 CORRIDOR STUDY, (Laura Rowe, Kimley-Horn)**

##### **a. Call for Public Hearing**

##### **Mayor Pro Tem Henkel Opened the Public Hearing**

##### **▪ Laura Rowe, Kimley Horn**

In presenting a Power Point presentation of the Hwy 21/115 Corridor Study (Phase II), Ms. Rowe shared that the purpose of the study intended to explore and improve traffic congestion, circulation, enhance mobility through improved accessibility, and create an equilibrium between the corridor and the community which it passes. The corridor of the study area is 5.8 miles from Westmorland Road, north to Moose Club Road focusing on Main Street traffic, local access, and regional connectivity such as truck traffic. In presenting a brief background, Ms. Rowe stated that in November 2015, Phase I Project Workbook was completed through public involvement process which determined what should be considered: 1) community driven strategy; 2) balanced transportation recommendations; 3) conceptual roadway improvements; 4) implementation of strategies. All due to rapid

growth-recent and on the horizon; the community wanting to establish a vision and a plan to achieve it; and existing traffic congestion. She stated that in moving forward with this study, a traffic count was conducted along the corridor that resulted in 8,000 to 14,000 vehicles per day with a lot of truck traffic. Other active components considered in the study were sidewalks, existing greenways, and bike routes. Ms. Rowe presented and explained the following four proposed alternatives for the corridors roadway improvements.

Alternative 1 – Multi-lane widening

Divided section at Interstate; community downtown divided feel through the heart of Troutman, then a 5 lane corridor where there are more retail and industrial uses. This option would take away the greenway.

Alternative 2 – Couplet

Focuses on the area through downtown with Hwy 21 and Eastway Drive running parallel. Eastway going north bound, Hwy 21 south bound with a 5 lane section added in each direction following the couplet. This option would not disturb the greenway.

Alternative 3 – Downtown Redevelopment Concept

Conceptual, no road design improvements presented.

Alternative 4 – Key Intersection Improvements (add signals, improve signal phasing, add turn lanes) to better improve operations and ease congestion.

- Wagner Street/Hwy 21
  - Option 1 – add crossover connection (E. Church Street and W. Church Street) for better east/west connection and creating a parallel Lytton Street connection to Hwy 21. Another benefit is saving the Town parking area and the Depot along with creating additional room for growth in the downtown business district.
  - Option 2 – moving the signal south of Wagner Street alleviating some of the issues with the current geometry. Would lose some of the Town parking area. Also creating a parallel Lytton Street connection to Hwy 21.
- Talley Street/Hwy 21
  - Addition of signal and turn lane at Talley Street proposed with the Couplet alternative.
- Old Murdock Road/Hwy 21
  - Proposed 2 options: add signal or construct a roundabout. Both would work, but the biggest drawback with a roundabout is that it would impact some of the local businesses.
- Murdock Road/Hwy 21
  - Proposed 2 options: construct roundabout or maintain signal. Potential capacity issues with the roundabout option, therefore Kimley-Horn recommended the alternative option of maintaining the signal and cleaning up the alignment along with adding additional turn lanes and phasing modifications. Realignment would impact the existing gas station, but one of the benefits of lining it up is that the Town will be creating a better east/west connection along Murdock that really helps original connectivity and the potential to work with Troutman and Statesville in creating new connections and interchanges between them.

In conclusion, Ms. Rowe asked that Council accept the Corridor Study and commented that Kimley-Horn looks forward in continuing to work with the Town, Planning Director Martin, in moving the vision forward and working with NCDOT as they go forward with their corridor study.

▪ John Larew, Citizen

Mr. Larew asked if Eastway Drive is used for the improvements, at that point it becomes Hwy 21/115 (a state road), will the state take over the road, and if so, will the road widening take up any of the greenway and people's front yards? Ms. Rowe responded that right now the plan is just conceptual, but as DOT goes through their design process it will be determined when the formal road plan is developed. She commented that DOT would bring in the public for input.

▪ Jim McNiff, Citizen

Mr. McNiff asked, is it not the case irrespective of what the Town recommends or what the Town wants, NCDOT will ultimately make the decision of what they want to do. Ms. Rowe responded yes, it is ultimately NCDOT's decision, but by developing a vision and a plan prior, then the Town has a little stand and foothold in going to

DOT. DOT have seen the concepts that have been put together and seem interested in working with those concepts.

▪ Mike Johnson, Mayor Pro Tem-Statesville City Council

Mr. Johnson asked if the alignment at Exit 45 is proposed to be moved. Ms. Rowe responded that it is only conceptual at this time. Ms. Martin addressed the question stating that it is something in the next steps. The idea is to adopt this corridor study so the Town can move forward in working with DOT and Statesville to look at a regional corridor to the airport.

Planning Director Martin expressed appreciation to Kimley-Horn for the work they put into the study and for listening to the Town citizens and advisory committee.

**Mayor Pro Tem Henkel Closed the Public Hearing**

(Public Hearing sign in sheet is attached to and made part of these minutes)

(Copied in full, public hearing notice is attached to these minutes)

**b. Adoption of the Hwy 21/115 Corridor Study**

Upon motion by Council member Jablonski, seconded by Council member Bryant, and unanimously carried, approved adoption of the Hwy 21/115 Corridor Study by Kinley-Horn (Alternative 1).

(Copied in full, Hwy 21/115 Corridor Study is filed on CD titled: "Town Council Supporting Documents" dated July 10<sup>th</sup>, and July 13<sup>th</sup>, 2017 in CD Book #1 titled: "Town Council Supporting Documents")

**ITEM 17. ANNEXATION (CONTIGUOUS), (AX-17-03),** Applicant: Marta Vega, 0.5 acres located at 381 Winecoff Street, PIN 4741160067, (Erika Martin, Planning Director)

Planning Director Erika Martin explained that the proposed Resolutions is basically to accept the petition for annexation and certificate, and set the date for a public hearing.

**a. Adoption of Resolution 13-17 Titled: "Resolution Directing The Clerk To Investigate A Petition Received Under Article 4A Of G.S. 160A-31"**

Upon motion by Council member Williams, seconded by Council member Jablonski, and unanimously carried, Resolution 13-17 titled: "Resolution Directing The Clerk To Investigate A Petition Received Under Article 4A Of G.S. 160A-31" was approved.

**b. Approval of Certificate of Sufficiency**

Upon motion by Council member Bryant, seconded by Council member Jablonski, and unanimously carried, Certificate of Sufficiency was approved.

**c. Adoption of Resolution 14-17 Titled: "Resolution Fixing Date Of Public Hearing On Question Of (Contiguous) Annexation Pursuant To Article 4A Of G.S. 160A"**

Upon motion by Council member Jablonski, seconded by Council member Bryant, and unanimously carried, Resolution 14-17 titled: "Resolution Fixing Date Of Public Hearing On Question Of (Contiguous) Annexation Pursuant To Article 4A Of G.S. 160A" setting a Public Hearing date of August 10, 2017 was approved.

(Copied in full, Resolutions 13-17 is filed in Resolution Book IV, Page 13)

(Copied in full, Resolutions 14-17 is filed in Resolution Book IV, Page 14)

(Copied in full, Certificate of Sufficiency, and petition of annexation is attached to these minutes, and is filed on CD titled: "Town Council Supporting Documents" dated July 10<sup>th</sup>, and July 13<sup>th</sup>, 2017 in CD Book #1 titled: "Town Council Supporting Documents")

**ITEM 18. REZONING REQUEST (RZ-17-06) FROM SUBURBAN RESIDENTIAL (RS) TO LIGHT INDUSTRIAL (IL);** Applicant: Dallas Norman; Approximately 6.08 acres located at 117, 119, 123 Trackside Road, PIN's 4741513527, 4741523044, 4741513984, *(Martin)*

**a. Call for Public Hearing**

**Mayor Pro Tem Henkel Opened the Public Hearing**

- Planning Director Erika Martin presented the request stating that Dallas Norman is requesting rezoning of 6.08 acres from Suburban Residential (RS) to Light Industrial (IL). The property is comprised of 3 parcels off of Trackside Road. The area is predominately undeveloped with some single family homes in the area and a handful of non-residential uses. The future land use plan is supportive of this area transitioning to light industrial. Currently zoning prohibits uses to those predominately residential in nature. Rezoning to light industrial will allow for more intensive uses such as automotive sales, restaurants, warehousing, and manufacturing. Staff and the Planning Board recommend approval.
- Adjacent property owner, Carroll Gilliland spoke against the rezoning stating that all the properties in the area are zoning residential with the exception of three and does not think rezoning to IL would be an asset to the community.
- Applicant, Dallas Norman spoke in favor of the request stating that he is proposing to move his office into the existing house located on the property and clean up the remainder by removing all the dilapidated buildings on the property. He has no intentions or plans of doing anything industrial wise on the property.
- Adjacent property owner, Michael Gilliland asked if IL would allow the applicant to move his block manufacturing business to the property several years down the road. Planning Director Martin responded by referring Mr. Gilliland to the uses listed in the Power Point as displayed stating that this is a straight rezoning and any use listed as a permitted use is allowed, even if he says he is not going to use the property as industrial, and if it is a permitted use, he could sell the property and someone else could. Mr. Norman stated that it is not a suitable piece of property to build a manufacturing facility and he has no intentions of moving his block manufacturing there.

Council member Jablonski requested that Planning Director Martin explain the landscaping buffer requirements for new construction. Ms. Martin stated that a fifty (50) foot landscape buffer would be required by the Town if any new industrial construction is built on the property and more intense industrial uses require a Special Use Permit (SUP) that would add another layer of review by the Board of Adjustment.

Planning Director Martin advised Council that Staff and the Planning Board are in favor of the rezoning. The Planning Boards vote was unanimous, and adjacent property owners that were present at the Planning Board meeting were supportive of the rezoning.

**Mayor Pro Tem Henkel Closed the Public Hearing**

(Public Hearing sign in sheet is attached to and made part of these minutes)

(Copied in full, public hearing notice is attached to these minutes)

**b. Adoption of Ordinance 16-17 Titled: “An Ordinance Changing the Zoning Classification of the After Described Property from Suburban Residential (RS) to Light Industrial (IL)”**

Upon motion by Council member Williams, seconded by Council member Troutman, and carried, adoption Ordinance 16-17 titled: “An Ordinance Changing the Zoning Classification of the After Described Property from Suburban Residential (RS) to Light Industrial (IL)” was approved as presented.

Yeas: Williams, Troutman, Henkel, Jablonski

Noes: Bryant

**c. Approval of Consistency Statement**

Upon motion by Council member Williams, seconded by Council member Troutman and carried, approved that RZ-17-06 is consistent with the 2035 Future Land Use Plan Business and Industrial Development Goal. The request is reasonable and in the public interest because it provides for a healthy environment for a diverse mix of industry, business uses, and other employers that build upon the area’s economy and strengthens the community.

Yeas: Williams, Troutman, Henkel, Jablonski

Noes: Bryant

(Copied in full, Ordinance 16-17 is filed in Ordinance Book 8, Page 169)

(Copied in full, rezoning application, Planning Boards Certification of Recommendation is attached to these minutes and is filed with staff report, ordinance, current and future zoning and land use maps, public hearing notice, property owners notification and mailing list on CD titled: “Town Council Supporting Documents” dated July 10<sup>th</sup>, and July 13<sup>th</sup>, 2017 in CD Book #1 titled: “Town Council Supporting Documents”)

**ITEM 19. REZONING REQUEST (CZ-RM-17-01), FROM TOWN RESIDENTIAL (RT) TO MIXED RESIDENTIAL (RM) CONDITIONAL ZONING DISTRICT;** Applicant: Touché, LLC and Brookside HOA, Inc.; 57.51 acres, located between Avon Avenue, Stratford Road, Elliot Drive, Georgie Street and Massey Street, PIN’s 4731638242, 4731625347, 4731713858, 4731714897, 4731724701, 4731735031, 4731726926, (Martin)

**a. Call for Public Hearing**

**Mayor Pro Tem Henkel Opened the Public Hearing**

• Planning Director Erika Martin stated that this request is for Brookside, a nearly 58 acre tract located between the neighborhoods of Inglewood, South Trace, and Georgie Street. The request is to conditionally rezone this property to Mixed Residential (RM) to allow for 137 single family homes. The property is currently zoned Town Residential which allows up to 4 units an acre, but each lot must be on a quarter acre. The same density could be achieved in the Mixed Residential District. The property is primarily surrounded by Town Residential or Suburban Residential. However a small area off of Calvin Street is zoned Mixed Residential. She stated that most of the Town’s rezoning’s for large tracts of land over the past year or two have been in the vicinity of Exit 42; the new Troutman. This project however is in the heart of our community, commenting that this is why she recommended to the applicants that they seek Conditional Zoning for the property. Ms. Martin stated that applicants have pursued her recommendation by holding a neighborhood meeting during the latter part of May, went before the Planning Board in June, and here before you this evening. She explained that the Town’s adopted 2035 Future Land Use Plan states that one of our top community targets is to encourage a variety of growth in proximity to downtown, to support our existing downtown businesses and provide opportunity for new and existing business to flourish. This tract already has utilities available and is in an area that the Town has clearly designated for medium density residential. The project is also consistent with the Town’s long term master plan to create a multipurpose greenway from the Richardson Greenway west to Lake Norman State Park. She continued by stating that the concept/plan also appears to be consistent with the UDO. For example: the concept shows new roads connecting to our existing system; the possibility of future road connectors; a 200’ protected



stream buffer and etc. If the property is rezoned to the requested RM, more detailed drawings known as the preliminary plat will come before this board.

Based on some questions that came up at the Planning Board meeting, Ms. Martin commented that she wants to take a few minutes to explore the development possibilities for this property, and wants the public to know that the choice before council tonight is not whether to allow this property to develop or not, but rather a question of how. In efforts to explain, she stated that constitutionally every owner of property has the right to develop his or her land in some manner. In Troutman as in most places, those rights are described in our zoning and subdivision ordinances. This particular tract of land is zoned Town Residential, which means the owner of the property could legally build up to 4 units per acre. In keeping the road layout, Ms. Martin stated that she was able to achieve 99 single family homes on quarter acre lots. While less density is achieved, there would also be less open space, no buffer around the development, and only a 100' stream buffer. Also, the state statutes do not allow the town to regulate the design of single family detached homes in by-right developments. The developer could also construct 86 single family homes by-right and 30 town homes with a special use permit, totaling 116 homes. Such an option would allow the town to regulate the appearance of the town homes; or the developer could construct 57 single family homes by-right, obtain a special use permit for 175 town homes, and obtain a high density permit to achieve the 4 dwelling units per acre for 232 total homes. This option would bump the stream buffer up to 200 ft. and allow the town to regulate the appearance of the town homes. The last option is the proposal presented before you with the developers voluntarily seeking conditional zoning to put into place binding requirements that assists the town in keeping its character and improving our infrastructure. She stated that the proposal is not perfect for the developers or the neighbors, but it is a compromise blended from many ideas and concerns. Since the Planning Board meeting the developers have agreed to the following: a 2 story option for the south side of Big Branch Creek; restricted design materials; minimum heated square footage; committed to building some offsite sidewalks; and are even willing to shift the entrance into their subdivision. Ms. Martin concluded by stating that from a planning perspective, she is not supportive of the offset intersection, but is supportive and recommend approval of the rest of the conditions and rezoning of Brookside. The Planning Board also recommends approval.

• Mr. Mallie Colavita, developer/Ryan Homes and Mr. Eddie Moore, applicant and civil engineer with McAdams presented a Power Point presentation giving a background history of Ryan Homes, and highlighting the following proposal with conditions and added/amended conditions due to citizens' concerns at the Planning Board meeting.

- Development targets the baby boomer era (age group of 45-64), allowing for low maintenance and affordable housing;
- New energy efficient homes with hardwood floors, granite counter tops, stainless steel appliances, etc.
- 137 lots / 2.38 dwelling per unit; minimum lot size 52' x 120'
- Minimum setbacks: front-amended to 20' from original 10' proposed; side-5'; rear-15'; corner yard-10' (side and rear to include 25' landscaped buffer)
- Minimum two car garage-not included as square footage
- Homes sizes: smallest-1348 heated sq. ft. / medium-1559 heated sq. ft. / largest-1720 heated sq. ft. (amended to not include garage square footage as heated space)
- Single story, 2 bedroom homes to be located to the north of Big Branch Creek
- Amended conditions to allow the option of two story homes to the south of Big Branch Creek. Homes on the two lots located on Georgie Street shall be 2 story and between 2200-2400 sq. ft. in size.
- Greenway/walking path -1600 linear ft. in length 10' wide – to be built by occupancy of the 70<sup>th</sup> home and will be open to the public
- Front façades will be constructed with a combination of brick, stone, hardy board – no vinyl will be used on front façades, and no redundancy in color or home design of side by side homes or homes in the same vicinity
- Home Owner Association (HOA) restrictions: manicured lots, no parking of boats or RV's, no on street parking
- Open space – 33.2%
- Big Branch Creek buffer: amended to increase buffer from 100 feet to 200 feet
- Construct external sidewalk extensions if right-of-way is available (added condition)

- Proposing 4 way stops strategically placed within the neighborhood with a straight roadway connection to Massey Street
  - Proposed an alternative offset/shift to replace the original proposed straight roadway to Massey Street if Council so desires.

Mr. Colavita commented that Ryan Homes will not develop Brookside or a portion of Brookside and leave the area. Their goal is to build a long lasting relationship in Troutman with the Council, and the community starting with the Brookside development and hopefully future developments.

Council member Jablonski asked how can parking on the streets be restricted, are they going to be private streets or public streets. Planning Director Martin stated that it would be the Town's decision whether they take over the streets. Council member Jablonski questioned the possibility of anyone being able to purchase "age targeted" homes. Mr. Colavita responded that the homes will be marketed for age 55 and older, but that anyone can purchase. What makes them age targeted is that they are master planned homes. One story homes with only 2 bedrooms is not suited for a family with 3 children. The homes have smaller setbacks which in turn provides low maintenance. She asked if advertising as such targeted age group is legal. Attorney Gary Thomas responded that it is legal to advertise, that advertising is marketing the product, but it cannot be age restricted. She also asked about putting larger homes on larger lots. Mr. Colavita responded that Ryan Homes is looking at other land acquisitions in Troutman where they are considering larger homes on large lots, depending where the land is located and what the transportation corridor is like, but Ryan Homes determined that larger homes and lots option is not well suited for this location and is better suited for smaller homes targeting the age 55 or older. Council member Jablonski stated that she is just looking for a balance.

- Mr. Wes Leviton, Georgie Street resident stated that he appreciates Ryan Homes coming back with additional changes. He commented that he liked the addition of the external sidewalks on Georgie and Massey Streets and the offer of the alternative offset/shift of the access road onto Massey Street rather than the straight connection as proposed.
- Mr. Tony Consalvo, Georgie Street resident expressed that he is happy with the changes proposed in regards to shift of the access road and sidewalk, and commented that he thinks that other neighborhood residents will be happy as well.
- Mr. Jim McNiff, Town Citizen expressed positive comments in regards to neighbors working with the developer and governments officials.
- Ms. Cathy Gaither, resident of York Road requested that sidewalks be installed along York Road being that York Road is also an access point/entrance to the development. Planning Director Martin advised that the developers have also committed to sidewalks along York Road.

Planning Director Erika Martin restated added conditions as presented by the developer to be included in Ordinance 15-17:

- Section 2b. Minimum front setback: amended from 10' to 20'; Corner Yard remains 10'
- 6a. Homes for the 2 lots on Georgie Street shall be 2 story homes
- Bond offsite sidewalk improvements if right-of-way is not available at time of construction for future sidewalk construction

### **Mayor Pro Tem Henkel Closed the Public Hearing**

(Public Hearing sign in sheet is attached to and made part of these minutes)  
 (Copied in full, public hearing notice is attached to these minutes)

- ❖ For the record: Mayor Pro Tem Henkel asked the applicant(s) of Brookside if they has seen Ordinance 15-17 and if so, do you agree to the conditions as outline or as changed/amended during the hearing. Mr. Colavita and Mr. Moore replied that they have seen Ordinance 15-17 and agree with all conditions.

Mayor Pro Tem Henkel asked for a motion by Council regarding the option of accepting the offset road access proposal or leave as originally proposed. Council member Jablonski asked to hear Planning Director Martin's opinion. Ms. Martin stated from a planning perspective the 90 degree intersections are most favorable. The question was then directed to Police Chief Selves due to the safety concerns of the surrounding neighbors. Police Chief Selves responded he understands the safety aspect and the concerns, but in retrospect of emergency vehicle accessibility, he recommended the original design (90 degree intersection) of the street.

Upon motion by Council member Jablonski, seconded by Council member Troutman, and unanimously carried, approved to leave the street as originally designed.

**b. Adoption of Ordinance 15-17, Titled: *"An Ordinance Changing The Zoning Classification Of The After Described Property From Town Residential (RT) To The Conditional Zoning District Known As CZ-RM-17-01: Brookside"***

Upon motion by Council member Troutman, seconded by Council member Jablonski, and unanimously carried, Ordinance 15-17 titled: *"An Ordinance Changing The Zoning Classification Of The After Described Property From Town Residential (RT) To The Conditional Zoning District Known As CZ-RM-17-01: Brookside"* was approved with conditions as outlined in the ordinance, plus additional conditions as outline in tonight's meeting.

**c. Approval of Consistency Statement**

Upon motion by Council member Williams, seconded by Council member Henkel, and unanimously carried, approved that CZ-RM-17-01 is consistent with the 2035 Future Land Use Plan Residential Development Goal. The rezoning is reasonable and in the public interest because it preserves, enhances, and/or creates satisfying living environments that generate and maintain strong neighborhoods.

(Copied in full, proposed Ordinance 15-17 is filed in Ordinance Book 8, Pages 166-168)

(Copied in full, rezoning application, Planning Boards Certification of Recommendation is attached to these minutes and is filed with staff report, ordinance, conditional rezoning application/petition/statement of reasonableness, Planning and Zoning Board's certification of recommendation, current zoning map, existing and future land use maps, adjacent property owners notification and listing, and public hearing notice on CD titled: "Town Council Supporting Documents" dated July 10<sup>th</sup>, and July 13<sup>th</sup>, 2017 in CD Book #1 titled: "Town Council Supporting Documents")

**ITEM 20. APPROVAL OF HIGH DENSITY PERMIT APPLICATION FOR TOUCHÉ, LLC AND BROOKESIDE HOA, INC.;** 57.51 acres, located between Avon Avenue, Stratford Road, Elliot Drive, Georgie Street and Massey Street, PIN's 4731638242, 4731625347, 4731713858, 4731714897, 4731724701, 4731735031, 4731726926, (Martin)

Planning Director Erika Martin presented the High Density Permit Application stating that because the property is in the watershed and has a proposed density greater than 2 units per acre, a high density permit must be obtained. Staff finds the proposed subdivision as proposed will not endanger the public health or safety and is consistent with our future land use plan. Staff further finds that it minimizes impacts to water quality through the use of best management practices, clustering of lots, and stream buffering. Staff recommends approval.

Upon motion by Council member Jablonski, seconded by Council member Henkel, and unanimously carried, approved high density permit based on the proposal being consistent with the applicable standards set forth in the watershed ordinance and it meets the criteria as set forth in Section 3.5.10(e) of the Town of Troutman Unified Development Ordinance.

(Copied in full, high density application is attached to these minutes and is filed with high density development justifications on CD titled: "Town Council Supporting Documents" dated July 10<sup>th</sup>, and July 13<sup>th</sup>, 2017 in CD Book #1 titled: "Town Council Supporting Documents")

**ITEM 21. PARKS & RECREATION COMMITTEE APPOINTMENTS, (*Emily Watson, Parks & Recreation Coordinator*)**

Parks and Recreation Coordinator Emily Watson advised that there are two positions expiring July 16, 2017 on the Parks and Recreation Committee. 1) TYAA Representative-Michael Barker, and 2) Linda Simons. The Parks and Recreation Committee unanimously recommended re-appointment of both parties.

Upon motion by Council member Troutman, seconded by Council member Jablonski, and unanimously carried, approved re-appointments of Michael Barker and Linda Simons to the Parks and Recreation Committee.

**ITEM 22. COMMENTS FROM TOWN COUNCIL AND MAYOR**

None

**ITEM 23. COMMENTS FROM TOWN MANAGER**

Town Manager Justin Longino:

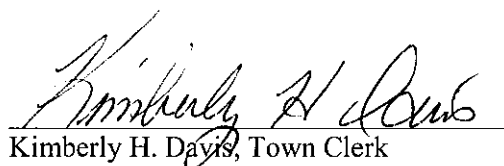
- Invited all to join the Troutman Walking Group. The group meets every Monday at 6pm, and Wednesday at 9am.
- National Night Out will be held August 1<sup>st</sup>, at Troutman ESC Park, 6pm.
- Party in the Park will be held August 14<sup>th</sup>, at Troutman ESC Park, 5:30pm

Planning Director Erika Martin:

- Greenway Update – Bell Construction advised that the Richardson Greenway gap will be completed by the end of July, first of August. Country Boy is on the same schedule for completion of the SIHS Greenway, and are aware the Town wants it completed by the time school begins. She commented that Country Boy has been really good in working with property owners. Once complete, all properties will have gentle sloping yards.
- Announced that she has received official word that Troutman has been awarded the grant for the Greenway South along with the Talley Street and Downtown sidewalk grant. The Town will begin to budget for these projects next fiscal year.

**ITEM 24. ADJOURNMENT**

Upon motion by Council member Troutman, seconded by Council member Henkel, and unanimously carried, the July 13, 2017 Town Council meeting was adjourned at 9:18 pm.

  
Kimberly H. Davis, Town Clerk

